FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO. 62 OF 2007

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM : B.P.Dharmadhikari, J.
23rd January, 2007

Heard Advocate Shri Parchure for applicant - original petitioner. Learned counsel argues that the court was pleased to grant petitioner time on 14/12/2006 to take instructions about filing of appeal against rejection of counter claim by the impugned order. He states that though all these facts are not mentioned in the order dated 14/12/2006, this court can verify these developments from Advocate Shri Choudhary, who represented other side on 14/12/2006.

I find that time for such scrutiny was on 21/12/2006 when the matter was heard by this court, when grievance was made by Advocate Shri Choudhary that it was adjourned only for the

purpose of withdrawal. In review, there is no question of again undertaking such scrutiny.

Advocate Shri Parchure further argues that perusal of documents filed along with review application vide Annexure-3 clearly show that necessary amount was already invested in National Savings Certificates (NSCs) and he further states that there was some time required to collect these NSCs because of transfer of suit from Bhandara to Gondia. He contends that the delay is at the most of 3 – 4 days and is not sufficient to hold that original petitioner has wilfully committed breach of the orders of the court below. He argues that in this situation, petitioner has been denied the opportunity even to prosecute further his counter claim and has been wrongly painted as person who deliberately commits breach of court orders.

I find that these documents filed with review application are not forming the part of original writ petition. In these circumstances, in view of orders dated 14/12/2006 and 21/12/2006, the review cannot be considered on the basis of these documents, particularly when the matter was adjourned on 14/12/2006 only for withdrawal.

Review application is, therefore,

rejected. No costs.

JUDGE

Diwale